

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JENNIE COURTNEY, ETC.,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No.: 2:06-CV-00600-MHT
)	
ANTHONY CLARK, et al.,)	
)	
Defendants.)	

MOTION FOR PERMISSION TO FILE A REPLY BRIEF

COME NOW Covington County, Alabama, a Defendant in the above-entitled action, and moves the Court for an Order allowing it to file a Reply to the Plaintiff's Response in Opposition to these Defendant's Motion to Dismiss. As grounds for so moving, the Defendants set forth as follows:

1. Currently pending before the Court is a Motion to Dismiss filed on behalf of Covington County. (Docs. 101 and 102.)
2. In response to Covington County's Motion to Dismiss, the Court entered a briefing Order that set the Motion to Dismiss for submission on August 8, 2007, with all briefs due on that date. (Doc. 105.)
3. The Plaintiff filed her Opposition on August 9, 2007, *one day after the deadline for submission of briefs*. (Doc. 108.)
4. Having reviewed the Plaintiff's Opposition, it is evident that a Reply brief is necessary. The Plaintiff's Opposition contains arguments and citations that are demonstrably incorrect and require a reply.

5. In addition to the legal issues, the Plaintiff also attached to her Response Brief an exhibit not referenced in the Complaint that cannot be considered on a motion to dismiss. (See, e.g., Doc. 108, Exhibit A, report of the Alabama Bureau of Investigation.)

6. Accordingly, this Defendant should be permitted to file a reply brief to address the erroneous factual and legal issues raised by the Plaintiff in her opposition.

7. Counsel for this Defendant should be able to have a reply filed no later than August 17, 2007.

WHEREFORE, PREMISES CONSIDERED, Covington County, Alabama requests that the Court issue an Order allowing it to file a reply brief no later than August 17, 2007.

Respectfully submitted this 17th day of August , 2007.

s/Joseph L. Hubbard, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on this the **17th** day of **August, 2007**, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **Will G. Phillips, Esquire, J. David Greene, Esquire, Britt V. Bethea, Esquire, Bert P. Taylor, Esquire, Steven K. Herndon, Esquire, Matthew Y. Beam, Esquire, Alan T. Hargrove, Jr., Esquire, and Richard Brett Garrett, Esquire**, and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

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s/Joseph L. Hubbard, Jr.
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